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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,488	08/15/2001	Kimikazu Matsumoto	250901/00	1362
21254	7590	10/12/2005	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			RUDE, TIMOTHY L	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO. CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20050824

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**Commissioner for Patents**

Examiner has been informed that Applicant's petition under 37 CFR 1.81 filed 21 June 2005 has been entered, considered, and disapproved. Examiner will not rejoin claims 18-20 as the claims presently stand; however, examiner will rejoin subsequent to appeal should the non-elected method claims eventually be found to properly depend from an allowable generic/linking device claim (or include all the limitations of same) as acknowledged on page 2 of office action mailed 05 August 2004. Please note that the present claim language of claims 18-20 do not meet the stated criterion for rejoinder. However, claims 18-20 may be amended to meet the criterion for rejoinder stated in said office action in order to achieve rejoinder should any device claim be ultimately found allowable. Please note that this is always the case; examiner has no procedure but to rejoin method claims in a device application when said method claims properly depend from an allowable generic/linking device claim, or otherwise include all the limitations of same [MPEP 821.04], even if said method claims are added subsequent to notice of allowance [MPEP 714.14].

The reply brief filed 21 June 2005 has been entered and considered. However, Applicant's statement that the "sweet spot" is clearly shown in Figure 8 is in error (not supported). Please note that Figure 8 merely shows two curves that cross at an arbitrary point that is dependent upon the two Y-axis scales (which may be selected arbitrarily). No "sweet spot" is indicated anywhere in Figure 8 nor is it in anyway supported as unexpected results anywhere in the originally presented Application. Rather, Applicant merely argues essentially a personal preference within an expected performance domain which is a function of intended use. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

**Frank G. Font**  
Supervisory Patent Examiner  
Technology Center 2800

tlr